

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TIMOTHY R. BUFKIN,

Plaintiff,

File No. 1:06-CV-93

v.

HON. ROBERT HOLMES BELL

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

/

**ORDER APPROVING MAGISTRATE'S
REPORT AND RECOMMENDATION**

This matter is before the Court on Plaintiff's objection to the Magistrate Judge's Report and Recommendation ("R&R"). On July 21, 2006 Magistrate Judge Hugh W. Brenneman, Jr. issued a R&R, (Docket #10), recommending that Defendant's Motion to Dismiss for Lack of Jurisdiction, (Docket #5), be granted. This Court is required to make a *de novo* review upon the record of those portions of the R&R to which objection has been made. 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b).

On September 7, 2006 the Court received a document classified on the docket as a "Letter," which the Court construes as an objection to the Magistrate Judge's R&R. (Letter from Pl., Docket # 11.) This letter was the first document received by Court since the Magistrate Judge issued the R&R. Additionally, the letter does twice reference a "Report." In consideration of these facts, the Court construes the "Letter" as an objection to the R&R.

As is explained on the last page of the R&R, objections to the R&R must be served and filed within ten days after service of the R&R. FED. R. CIV. P. 72(b); W.D. MICH LCIVR 72.3(b). Plaintiff's objections were filed on September 7, 2006. Therefore, Plaintiff's objection was not served and filed within ten days after service of the R&R.

The Court reviews those portions of the R&R to which objection has been made. 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b). The filings of a party proceeding pro se are construed liberally. *Spotts v. United States*, 429 F.3d 248, 250 (6th Cir. 2005) (citing *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972)). Plaintiff is proceeding pro se, so this standard applies. Even applying this standard the Court is unable to discern any objections from the Plaintiff's letter. The Court only reviews those portions of R&R to which there is an objection, in the absence of any discernible objection the Magistrate Judge's R&R is approved and adopted.

For the foregoing reasons, **IT IS HEREBY ORDERED** that Plaintiff's objection to the July 21, 2006, Report and Recommendation of the Magistrate Judge is **OVERRULED**.

IT IS FURTHER ORDERED that the July 21, 2006, Report and Recommendation of the Magistrate Judge (Docket #10) is **APPROVED** and **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that Defendant's Motion to Dismiss for Lack of Jurisdiction (Docket # 5) is **GRANTED**.

Date: November 2, 2006

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
CHIEF UNITED STATES DISTRICT JUDGE